

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated May 4, 2010 and, thus, the application is in condition for allowance.

By this reply, claims 1, 5, 10-15, 17, and 18 have been amended. Claims 1, 2, 4-15, and 17-23 are currently pending in the application. Of these, claims 1, 5, 10, and 18 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 10-15 and 17 were rejected under 35 U.S.C. 101 as not being within one of the categories of statutory subject matter. Applicant respectfully traverses. The claims were rejected because it is asserted that “a device” is considered as a program per se. However, claim 10, as well as the dependent claims, is drawn towards “a remote server” comprising, among other things, a controller and an interface, not simply a software module, as asserted by the Office Action. As such, the claim includes machine parts and is within the statutory subject matter and should be allowable.

In the outstanding Office Action, claims 1, 2, 5-15, 17-19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan (US 6,760,759) in view of Foulger (US 2006/0129536) in further view of Lee (US 6,336,137). It is asserted that Chan discloses substantially the same method and apparatus according to the present invention as recited in the claims, but for teaching wherein the remote server comprises a script processor configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script; wherein the script is activated in response to the receipt of the one or more initial search parameters by the remote server; and the command function being customized to a display of the wireless device and the command function being customized to a control capacity of the wireless device.

It is further alleged that Foulger and Lee do disclose these deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

With respect to independent claims 1, 5, 10, and 18, neither Chan nor Foulger nor Lee, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, Chan does not teach or suggest, among other things, wherein one of the remote server and the wireless device monitors the actions performed on the wireless device by identifying the folder being viewed from the menu as well as a selected item from the folder, and the remote server performing services based on the monitored actions. These features are disclosed, for instance, in paragraphs [0038] – [0042]. The services performed by the server, for instance may make reservations for the user of the wireless device, place a number of phone calls, etc. Thus, in the example of reservations, the user of the wireless device is saved the trouble finding a number for a restaurant, calling the restaurant, and making the reservation. The server may automatically accomplish all of this. Chan discloses tagging fields of a page and updating only those fields that are new since the last time the page was requested (Chan, Column 6, Line 60-Column 7, Line 13). Chan simply is only updating portions of a page that need to be updated instead of updating the entire page to limit the amount of data being downloaded. Nowhere does Chan disclose monitoring folders selected on a wireless device. Furthermore, because there is no monitoring of such folders, performing services based upon this monitoring likewise is not disclosed.

Furthermore, Foulger fails to cure the deficiencies of Chan because Foulger does not teach or suggest wherein one of the remote server and the wireless device monitors the actions performed on the wireless device by identifying the folder being viewed from the menu as well

as a selected item from the folder, and the remote server performing services based on the monitored actions. Foulger discloses a search engine that provides suggestions (Foulger, Paragraph [0014]). However, nowhere does Foulger disclose monitoring an accessed folder. Further, nowhere does Foulger disclose any remote server performing services for the wireless device such as those in the present invention. Foulger is simply a system for searching, no further services are performed. This element is simply not present in Foulger.

Lee discloses client-server methods and systems where different markup languages may use the same server (Lee, Column 4, Lines 13-16). However, nowhere does Lee discuss monitoring a folder on a wireless device. Therefore, performing services based upon such monitoring also is not and cannot be disclosed. Thus, Lee cannot cure the deficiencies of Chan and Foulger. For at least this reason, the rejection should be withdrawn. Further, Lee does not disclose assigning command functions to the buttons of a wireless device. Thus, the present invention changes the command function that certain buttons perform when pressed. Lee simply mentions the use of Windows Markup Language (WML), which displays a browser interface. This does not affect the actual buttons of the device as the present invention does, merely the display. The actual functions of the buttons under Lee would remain unchanged. Thus, the rejection should be withdrawn.

Thus, neither Chan nor Foulger nor Lee, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable,

arguendo, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Foulger, and in further view of Lee and Himmelstein (US 2007/0203896). It is asserted that Chan, Foulger, and Lee disclose substantially a method and apparatus according to the present invention as recited in the claim, but for teaching wherein the operation performs one of facilitating a purchase, facilitating a reservation based on the query, and placing a phone call. It is further alleged that Himmelstein does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

At most, Himmelstein teaches a data table that can be customizable by a user prior to or after accessing the internet (Himmelstein, Paragraph [0015]). This does nothing to cure the deficiencies of the other references with respect to the independent claim. This dependent claim is dependent upon independent claim 1, which was traversed for at least the reasons set forth above. Thus, this claim includes each element of the independent claim it depends upon. Hence, the dependent claim also is patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan and Foulger, and in further view of Lee and Elsey (US 2006/0129536). It is asserted that Chan, Foulger, and Lee disclose substantially a method and

apparatus according to the present invention as recited in the claims, but for teaching wherein selecting a folder further comprises creating a folder to contain all items found in searching the database and selecting the created folder. It is further alleged that Elsey does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

At most, Elsey teaches a server for managing sources of information about a user (Elsey, Paragraph [0007]). This teaching does nothing to cure the deficiencies of the other references with respect to the independent claims. These dependent claims all are dependent upon the independent claims traversed above. Thus, each of these claims includes each element of the independent claim they depend upon. Hence, the dependent claims also are patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No fees are believed due to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in

any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: July 29, 2010

/Fariborz Moazzam, Reg. No. 53,339/

Fariborz Moazzam

Reg. No. 53,339

Cust. No. 65,667

MOAZZAM & ASSOCIATES, LLC

7601 Lewinsville Road, Suite 304

McLean, Virginia 22102

(703) 442-9480 (office)

(703) 991-5978 (fax)